



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Dennis P. Whalen
Executive Deputy Commissioner of Health
Anne F. Saile, Director
Office of Professional Medical Conduct
William J. Comiskey, Chief Counsel
Bureau of Professional Medical Conduct

William P. Dillon, M.D.
Chair
Denise M. Bolan, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

January 14, 1999

CONFIDENTIAL

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Taik-Yong Ban, M.D.
Five Carol Court
Dix Hills, New York 11746

RE: License No. 111141

Dear Dr. Ban:

Enclosed please find Order #BPMC 99-7 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **January 14, 1999**.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Denise Quarles, Esq.

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
TAIK-YONG BAN, M.D.

CONSENT
AGREEMENT
AND
ORDER

BPMC #99-7

STATE OF NEW YORK)
COUNTY OF NEW YORK)

ss.: .

TAIK-YONG BAN, M.D., (the "Respondent") being duly sworn, deposes and says:

That on or about January 25, 1972, I was licensed to practice as a physician in the State of New York, having been issued License No. 111141 by the New York State Education Department.

My current address is Five Carol Court; Dix Hills, New York 11746, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the First Specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

Censure and Reprimand.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That I be required to complete a course that focuses on child abuse detection. This course shall be in addition to the CME child abuse course that is required of all licensees for registration. I shall complete this course within six (6) months of the effective date of the Consent Order. In addition, I shall repeat this course periodically, at a minimum of once every twelve (12) months for five (5) years;

That I shall maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty (30) days after the effective date of the Consent Order and continuing at all times thereafter;
and

That I shall fully cooperate in every respect with the Office of Professional Medical Conduct ("OPMC") in its administration and enforcement of this Order and in its investigation of all matters regarding me. I shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of my compliance with the terms of this Order. I shall meet with a person designated by the Director of OPMC as directed. I shall respond promptly and provide any and all documents and information within my control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and at all times thereafter.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1998).

I agree that in the event I am charged with professional misconduct in the future, this Agreement and Order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the "Board") and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an Order of the Chairperson of the Board shall be issued in accordance with same. I agree that such Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for

which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATE: 12/29/98

Taik-Yong Ban
TAIK-YONG BAN, M.D.
RESPONDENT

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: _____

Attorney for Respondent

DATE: 1/5/99


DENISE L. QUARLES
Attorney
Bureau of Professional
Medical Conduct

DATE: Jan 12, 1999


ANNE F. SAILE
Director
Office of Professional
Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
TAIK-YONG BAN, M.D.

CONSENT
ORDER

Upon the proposed agreement of TAIK-YONG BAN, M.D. (the "Respondent") for Consent Order, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to the Respondent at the address set forth in this agreement or to the Respondent's attorney by certified mail, or upon transmission via facsimile to the Respondent or the Respondent's attorney, whichever is earliest.

SO ORDERED.

DATE:

1/13/99



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

EXHIBIT "A"

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
TAIK-YONG BAN, M.D.

STATEMENT
OF
CHARGES

TAIK-YONG BAN, M.D., the Respondent, was authorized to practice medicine in New York State on or about January 25, 1972, by the issuance of license number 111141 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or around May 15, 1997, Patient A, who was 19 months old, was taken to the Respondent's private office by his mother with chief complaints of vomiting and the absence of a bowel movement for two days. Patient A's presenting symptoms also included a cough and runny nose. The Respondent only treated Patient A for rhinitis. Following the examination, the Respondent prescribed antibiotics and cough medicine for Patient A.
1. The Respondent failed to perform an adequate examination of Patient A, including but not limited to:
 - a. Failed to undress Patient A for his examination.
 - b. Failed to take Patient A's temperature.
 - c. Failed to thoroughly examine Patient A's abdomen and thereby failed to discover signs of blunt trauma.
 - d. Failed to perform a rectal examination on Patient A.

- e. Failed to determine if Patient A was hydrated or dehydrated.
- f. Failed to write adequate notes of his examination of Patient A.

SPECIFICATION OF CHARGES

**FIRST SPECIFICATION
GROSS NEGLIGENCE**

The Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4)(McKinney Supp. 1998) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

- 1. Paragraph A and its subparagraphs.

DATED: December , 1998
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct